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Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

HOLGATE, LLC,

Plaintiff,

vs.

NORTHWESTERN CORPORATION
dba NORTHWESTERN ENERGY, a
Delaware corporation,

Defendant.

CV-23-88-GF-BMM-JTJ

**STATEMENT OF STIPULATED
FACTS**

Pursuant to L.R. 16.2(b)(3) and the Order of January 19, 2024 (Doc.12), the parties submit the following Statement of Stipulated Facts:

1. Holgate, LLC (“Holgate”), is a Montana limited liability company with its principal place of business in Lewistown, Fergus County, Montana.
2. Holgate’s registered agent and mailing address are located in Billings, Montana.
3. The members of Holgate are Montana residents, Kathryn H. “Penni” Weinheimer, Karen L. Kaufman, and Michael P. Weinheimer.
4. NorthWestern Corporation (“NWC”) is a for-profit business incorporated in Delaware whose principal place of business is in Sioux Falls, Minnehaha County, South Dakota.
5. NWC is engaged in business in the State of Montana, operating under the assumed business name of NorthWestern Energy, with its registered agent in Missoula, Missoula County, Montana.
6. NWC provides electricity and natural gas to customers in Montana, South Dakota, and Nebraska.
7. Plaintiff owns property located in T18N R14E and T18N R13E, Fergus County, Montana, with a residence and associated outbuildings located at 1252 Benchland Road, Denton, Fergus County, Montana.

8. On or about November 30, 2021, a fire started near Denton, Montana, (the “West Wind Fire”). The West Wind Fire was a “forest or range fire” as defined by Montana Code Annotated § 50-63-104.

9. Jurisdiction and venue are appropriate in this Court.

DATED this 10th day of April, 2024.

/s/ Michael L. Dunphy
Michael L. Dunphy
Parker, Heitz & Cosgrove, PLLC
Attorneys for Plaintiff, Holgate, LLC

/s/ Thomas H. Davis
Thomas H. Davis
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NorthWestern Corporation d/b/a
NorthWestern Energy

CERTIFICATE OF SERVICE

The undersigned certifies that on the 10th day of April, 2024, a true a true copy hereof was service via the ECF system to be served on counsel of record.

/s/ Michael L. Dunphy
Attorney for Plaintiff, Holgate, LLC